

Susan A. Musser, DC Bar # 1531486
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Attorney for Plaintiff Federal Trade Commission

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**DECLARATION OF SUSAN A.
MUSSER IN SUPPORT OF
PLAINTIFFS' MOTION *IN LIMINE* TO
EXCLUDE EXPERT TESTIMONY OF
G. ROGER KING**

I, Susan A. Musser, declare as follows:

1. I am Chief Trial Counsel for the Federal Trade Commission, Bureau of Competition. I am over the age of 18 and counsel of record for Plaintiff Federal Trade Commission in the above-captioned action. I make this declaration based on personal

MUSSER DECLARATION ISO MIL RE G. ROGER KING

knowledge. I make this declaration in support of Plaintiffs' Motion *in Limine* to Exclude Expert Testimony of G. Roger King.

2. Attached to this declaration as Exhibit A is a true and correct copy of Excerpts of PX4154, Deposition of George Roger King (July 18, 2024).

3. Attached to this declaration as Exhibit B is a true and correct copy of Defendants' Expert Report of G. Roger King (July 1, 2024)

4. Attached to this declaration as Exhibit C is a true and correct copy of PX2151, a document produced by Albertsons in this matter, bearing bates number ACI2R-0014161406.

5. Attached to this declaration as Exhibit D is a true and correct copy of Excerpts of PX4042, Deposition of Daniel Dosenbach (May 24, 2024).

6. Attached to this declaration as Exhibit E is a true and correct copy of PX1154, a document produced by Kroger in this matter, bearing bates number KRPROD-FTC-2R-011750275.

7. Attached to this declaration as Exhibit F is a true and correct copy of Excerpts of PX4138, a 30(b)(6) Deposition of UFCW Local 555 (Dan Clay) (June 12, 2024).

8. Attached to this declaration as Exhibit G is a true and correct copy of Excerpts of PX4112, Deposition of Kim Cordova (June 5, 2024).

9. Attached to this declaration as Exhibit H is a true and correct copy of Excerpts of PX4074, Deposition of Andrea Zinder (May 28, 2024).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 14, 2024, in Washington, D.C.

/s/ Susan A. Musser

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